

EXHIBIT J

ANDREW L. PACKARD (State Bar No. 168690)
Email: andrew@packardlawoffices.com
WILLIAM N. CARLON (State Bar No. 305739)
Email: wncarlon@packardlawoffices.com
Law Offices of Andrew L. Packard
245 Kentucky Street, Suite B3
Petaluma, CA 94952
Tel: (707) 782-4060
Fax: (707) 782-4062

[Additional counsel on p. 2]

Attorneys for Plaintiff
CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CALIFORNIA SPORTFISHING PROTECTION ALLIANCE,

Plaintiff,

V.

PACIFIC BELL TELEPHONE COMPANY

Defendant.

Case No: 2:21-cv-00073-JDP

PLAINTIFF'S OBJECTIONS TO DEFENDANT'S SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS

1 MATTHEW MACLEAR (State Bar No. 209228)

2 Email: mcm@atalawgroup.com

2 JASON FLANDERS (State Bar No. 238007)

3 Email: jrf@atalawgroup.com

3 ERICA A. MAHARG (State Bar No. 279396)

4 Email: eam@atalawgroup.com

4 J. THOMAS BRETT (State Bar No. 315820)

5 Email: jt@atalawgroup.com

5 AQUA TERRA AERIS LAW GROUP

6 4030 Martin Luther King Jr Way

6 Oakland, CA 94609

7 Tel: (415) 568-5200

7 WILLIAM VERICK (State Bar No. 140972)

8 Email: wverick@igc.org

9 KLAMATH ENVIRONMENTAL LAW CENTER

10 1125 16th Street, Suite 204

11 Arcata, CA 95521

12 Tel: (707) 630-5061; Fax: (707) 630-5064

13 J. KIRK BOYD (State Bar No. 122759)

14 Email: jkb@drjkb.com

15 LAW OFFICE OF JOHN KIRK BOYD

16 548 Market St., Suite 1300

17 San Francisco, CA 94104-5401

18 Tel: (415) 440-2500

19 BRIAN ACREE (State Bar No. 202505)

20 Email: brian@briancree.com

21 LAW OFFICES OF BRIAN ACREE

22 331 J Street, Suite 200

23 Sacramento, CA 95814

24 Tel: (916) 505-6861

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1 **I. OBJECTIONS TO DEFINITIONS**

2 DEFINITION NO. 8.

3 “YOU” or “YOUR” refers to California Sportfishing Protection Alliance, including its
4 members, agents, representatives or anyone else acting on YOUR behalf.

5 OBJECTION TO DEFINITION NO. 8.

6 Plaintiffs object to this definition because it purports to require Plaintiff to respond on behalf
7 of all of its members. Plaintiff does not have access to all information held by each member and
8 seeking such information is not proportional to the needs of the case. Fed. R. Civ. Proc. 26(b)(1).

9 **II. OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION**

10 REQUEST NO. 27:

11 Produce all DOCUMENTS and COMMUNICATIONS concerning or discussing any actual
12 or potential payments made to YOU or another on YOUR behalf to FUND or otherwise support the
13 ACTION.

14 OBJECTIONS TO REQUEST NO. 27:

15 Plaintiff objects to this Request because it seeks information that is not relevant to any party’s
16 claim or defense. Fed. R. Civ. Proc. 26(b)(1). In an environmental enforcement action, the issue is
17 whether Defendant has violated the relevant act; DOCUMENTS and COMMUNICATIONS
18 concerning funding of this ACTION has no bearing on any issues related to liability, standing, or
19 applicable defenses. *See La. Envtl. Action Network v. Cintas Corp.*, No. 03-711-C-M2, 2004 U.S.
20 Dist. LEXIS 31841, **3-5 (M.D. La. Sep. 30, 2004). Therefore, Plaintiff is withholding documents
21 responsive to this Request on this basis. Moreover, Plaintiff will not provide a privilege log of these
22 documents because the Request is wholly irrelevant to this Action.

23 Moreover, Plaintiff objects to this request because it is disproportionate to the needs of the
24 case. Fed. R. Civ. Proc. 26(b)(1). As explained above, the information requested has no bearing on
25 any claims or defenses; thus, the information lacks any importance to the issues at stake in the action
26 and the burden and expense of gathering this evidence outweighs any possible benefit. *Id.* Plaintiffs
27 are withholding documents responsive to this Request on this basis.

1 Further, Plaintiff objects to this Request because it seeks information that infringes on our
2 donors' First Amendment rights of free association. *Perry v. Schwarzenegger*, 591 F.3d 1126, 1140
3 (9th Cir. 2009). The freedom to associate encompasses the ability to make financial contributions in
4 order to further a common goal. *See Buckley v. Valeo*, 424 U.S. 1, 22 (1976) (holding that contribution
5 limitations impinged on protected associational freedoms); *see also Citizens United v. FEC*, 558 U.S.
6 310, 339, 342-43 (2010). If CSPA were to disclose its donors and potentially open those donors up to
7 further discovery from Defendant's counsel, this would likely have a chilling effect on current and
8 future donors' willingness to financially support the organization and/or litigation. *See Tree of Life*
9 *Christian, Sch. v. City of Upper Arlington*, No. 2:11-cv-00009, 2012 U.S. Dist. LEXIS 32205, at *9
10 (S.D. Ohio Mar. 12, 2012), citing to *Perry*, 59 F.3d. at 1163. Thus, Plaintiff is withholding documents
11 responsive to this Request on this basis.

12 Finally, Plaintiff objects to the extent this Request seeks disclosure of DOCUMENTS or
13 COMMUNICATIONS that are subject to the attorney-client privilege and/or attorney work product,
14 which are not subject to disclosure. Plaintiff is withholding documents responsive to this Request on
15 this basis.

16 **REQUEST NO. 28:**

17 Produce all DOCUMENTS and COMMUNICATIONS concerning or discussing any
18 payments requested by YOU or or [sic] another on YOUR behalf to FUND or otherwise support the
19 ACTION.

20 **OBJECTIONS TO REQUEST NO. 28:**

21 Plaintiff objects to this Request because it seeks information that is not relevant to any party's
22 claim or defense. Fed. R. Civ. Proc. 26(b)(1). In an environmental enforcement action, the issue is
23 whether Defendant has violated the relevant act; DOCUMENTS and COMMUNICATIONS
24 concerning funding of this ACTION has no bearing on any issues related to liability, standing, or
25 applicable defenses. *See La. Envtl. Action Network v. Cintas Corp.*, No. 03-711-C-M2, 2004 U.S.
26 Dist. LEXIS 31841, **3-5 (M.D. La. Sep. 30, 2004). Therefore, Plaintiff is withholding documents
27 responsive to this Request on this basis. Moreover, Plaintiff will not provide a privilege log of these
28 documents because the Request is wholly irrelevant to this Action.

1 Moreover, Plaintiff objects to this request because it is disproportionate to the needs of the
2 case. Fed. R. Civ. Proc. 26(b)(1). As explained above, the information requested has no bearing on
3 any claims or defenses; thus, the information lacks any importance to the issues at stake in the action
4 and the burden and expense of gathering this evidence outweighs any possible benefit. *Id.* Plaintiffs
5 are withholding documents responsive to this Request on this basis.

6 Further, Plaintiff objects to this Request because it seeks information that infringes on our
7 donors' First Amendment rights of free association. *Perry v. Schwarzenegger*, 591 F.3d 1126, 1140
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9 order to further a common goal. *See Buckley v. Valeo*, 424 U.S. 1, 22 (1976) (holding that contribution
10 limitations impinged on protected associational freedoms); *see also Citizens United v. FEC*, 558 U.S.
11 310, 339, 342-43 (2010). If CSPA were to disclose its donors and potentially open those donors up to
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14 Christian, Sch. v. City of Upper Arlington*, No. 2:11-cv-00009, 2012 U.S. Dist. LEXIS 32205, at *9
15 (S.D. Ohio Mar. 12, 2012), citing to *Perry*, 59 F.3d. at 1163. Thus, Plaintiff is withholding documents
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17 Finally, Plaintiff objects to the extent this Request seeks disclosure of DOCUMENTS or
18 COMMUNICATIONS that are subject to the attorney-client privilege and/or attorney work product,
19 which are not subject to disclosure. Plaintiff is withholding documents responsive to this Request on
20 this basis.

21 **REQUEST NO. 29:**

22 Produce all DOCUMENTS concerning or discussing any litigation-funding agreement or
23 similar agreement with any third party to provide FUNDING or other financial support to YOU for
24 the ACTION.

25 **OBJECTIONS TO REQUEST NO. 29:**

26 Plaintiff objects to this Request because it seeks information that is not relevant to any party's
27 claim or defense. Fed. R. Civ. Proc. 26(b)(1). In an environmental enforcement action, the issue is
28 whether Defendant has violated the relevant act; DOCUMENTS and COMMUNICATIONS

1 concerning funding of this ACTION has no bearing on any issues related to liability, standing, or
2 applicable defenses. *See La. Envtl. Action Network v. Cintas Corp.*, No. 03-711-C-M2, 2004 U.S.
3 Dist. LEXIS 31841, **3-5 (M.D. La. Sep. 30, 2004). Therefore, Plaintiff is withholding documents
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6 Moreover, Plaintiff objects to this request because it is disproportionate to the needs of the
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8 any claims or defenses; thus, the information lacks any importance to the issues at stake in the action
9 and the burden and expense of gathering this evidence outweighs any possible benefit. *Id.* Plaintiffs
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20 (S.D. Ohio Mar. 12, 2012), citing to *Perry*, 59 F.3d. at 1163. Thus, Plaintiff is withholding documents
21 responsive to this Request on this basis.

22 Finally, Plaintiff objects to the extent this Request seeks disclosure of DOCUMENTS or
23 COMMUNICATIONS that are subject to the attorney-client privilege and/or attorney work product,
24 which are not subject to disclosure. Plaintiff is withholding documents responsive to this Request on
25 this basis.

26 **REQUEST NO. 30:**

27 Produce all DOCUMENTS and COMMUNICATIONS related to the Rose Foundation and
28 any "litigation fund" hosted by the Rose Foundation, including the fund titled "Get the Lead Out of

1 Lake Tahoe," available at: <https://rosefdn.org/donation-center/donate-to-a-fiscally-sponsored-project/get-the-lead-out-of-lake-tahoe/>.

3 **OBJECTIONS TO REQUEST NO. 30:**

4 Plaintiff objects to this Request because it seeks information that is not relevant to any party's
5 claim or defense. Fed. R. Civ. Proc. 26(b)(1). In an environmental enforcement action, the issue is
6 whether Defendant has violated the relevant act; DOCUMENTS and COMMUNICATIONS
7 concerning funding of this ACTION has no bearing on any issues related to liability, standing, or
8 applicable defenses. *See La. Envtl. Action Network v. Cintas Corp.*, No. 03-711-C-M2, 2004 U.S.
9 Dist. LEXIS 31841, **3-5 (M.D. La. Sep. 30, 2004). Therefore, Plaintiff is withholding documents
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12 Moreover, Plaintiff objects to this request because it is disproportionate to the needs of the
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14 any claims or defenses; thus, the information lacks any importance to the issues at stake in the action
15 and the burden and expense of gathering this evidence outweighs any possible benefit. *Id.* Plaintiffs
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17 Further, Plaintiff objects to this Request because it seeks information that infringes on our
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19 (9th Cir. 2009). The freedom to associate encompasses the ability to make financial contributions in
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22 310, 339, 342-43 (2010). If CSPA were to disclose its donors and potentially open those donors up to
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25 *Christian, Sch. v. City of Upper Arlington*, No. 2:11-cv-00009, 2012 U.S. Dist. LEXIS 32205, at *9
26 (S.D. Ohio Mar. 12, 2012), citing to *Perry*, 59 F.3d. at 1163. Thus, Plaintiff is withholding documents
27 responsive to this Request on this basis.

Finally, Plaintiff objects to the extent this Request seeks disclosure of DOCUMENTS or COMMUNICATIONS that are subject to the attorney-client privilege and/or attorney work product, which are not subject to disclosure. Plaintiff is withholding documents responsive to this Request on this basis.

Dated: November 20, 2023

AQUA TERRA AERIS LAW GROUP

/s Erica A. Maharg

Erica A. Maharg

Attorneys for Plaintiff CALIFORNIA
SPORTFISHING PROTECTION ALLIANCE

PROOF OF SERVICE

I am a citizen of the United States, employed in the County of Alameda. My business address is 4030 Martin Luther King Jr. Way, Oakland, California 94609. I am over the age of 18 years and not a party to the above-entitled action. Document(s) served:

- **PLAINTIFF'S OBJECTIONS TO DEFENDANT'S SECOND SET OF INTERROGATORIES**

On November 20, 2023, I served the foregoing document(s) on the parties in this action, located on the **attached service list**, by placing copies thereof in sealed envelopes addressed as shown below for service as designated below:

- () By First Class Mail: Deposited the sealed envelope with the United States Postal Service, with the postage fully paid.

() By Personal Service: I personally delivered each such envelope to the office of the address on the date last written below.

() By Overnight Mail: I caused each such envelope to be placed in a box or other facility regularly maintained by the express service carrier, or delivered to an authorized courier or driver authorized by the express service carrier to receive documents, in an envelope or package designated by the express service carrier with delivery fees paid or provided for.

(xx) By Electronic Transmission: Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the e-mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on November 20, 2023, in Hayward, California.

Esmralda Bustos
Esmralda Bustos

1 **SERVICE LIST**

2 NAVI DHILLON
3 Email : navidhillon@paulhastings.com
4 PETER C. MEIER
5 Email : petermeier@paulhastings.com
6 LUCAS GRUNBAUM
7 Email : lusasgrunbaum@paulhastings.com
PAUL HASTINGS, LLP
101 California Street, 48th Floor
San Francisco, CA 94111

8 HARIKLIA KARIS
9 Email: hkaris@kirkland.com
10 ROBERT B. ELLIS
11 Email: rellis@kirkland.com
12 MARK J. NOMELLINI
13 Email: mnomellini@kirkland.com
KIRKLAND & ELLIS, LLP
300 North LaSalle
Chicago, IL 60654

14 JONATHAN D. KELLEY
15 Email: jon.kelley@kirkland.com
16 KIRKLAND & ELLIS, LLP
4550 Travis Street
Dallas, TX 75205

17 *Attorneys for Pacific Bell Telephone Company*

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